



## CITY OF ATLANTA

KASIM REED  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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TIM KEANE  
COMMISSIONER

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-15-028 Text Amendment to Mechanicsville SPI-18, Subarea 1

**DATE:** August 13, 2015

**AN ORDINANCE TO REZONE BY COUNCILMEMBER CLETA WINSLOW TO AMEND SECTION 16-18R.005(1)(A) OF THE CITY OF ATLANTA CODE OF ORDINANCES, SO AS TO ALLOW FUEL PUMP DISPENSER STRUCTURES TO BE PLACED IN BETWEEN THE STREET AND BUILDING OF SERVICE STATIONS IN SPECIAL PUBLIC INTEREST DISTRICT-18, SUBAREA 1 (MIXED USE), AND FOR OTHER PURPOSES.**

#### **FINDINGS OF FACT:**

Ordinance 14-O-1516 (Z-14-73), approved January 2015, changed service stations from a prohibited use to a permitted use. It also limited the number and location of service stations to a single station located west of Pryor Street. It has been identified that greater security and visibility for shoppers and visitors of service stations may be necessary by allowing fuel pump dispensers between the street and building. Currently, the Code requires service station fuel pump dispenser structures to be located behind the principal structure (building).

- **Property location:** SPI 18 is inclusive of the Mechanicsville Neighborhood which is located in Council District 4. Sub area 1 is not contiguous as there are five distinct areas designated as SPI-18, Subarea 1. This text amendment impacts the one allowed service station west of Pryor Street.
- **Property size and physical features:** The properties are located in Mechanicsville Neighborhood, Council District 4, Special Public Interest District-18, Subarea 1, west of Pryor Street.
- **CDP land use map designation:** The Comprehensive Development Plan (CDP) land use designation does not affect the change in reconfiguration of the layout of the service station use category.

- **Current/past use of property:** SPI-18, Subarea 1, the Mechanicsville Mixed Use district, allows a variety of both residential and nonresidential uses. Ordinance 14-O-1516 (Z-14-73), approved January 2015 permitted one service station to be located within Subarea 1, but to the west of Pryor Street.
- **Surrounding zoning/land uses:** The surrounding zoning SPI-18. The land uses vary and include both residential and nonresidential developments.
- **Transportation system:** Pryor Street, Central Avenue, and Fulton Street are arterial streets. Windsor and Formwalt streets are local roads. SPI-18, SA1 is serviced by MARTA bus service via Windsor Street, Pryor Street, Cooper Street, Ralph David Abernathy Boulevard, and Central Avenue.

**PROPOSAL** The proposed text amendment addresses certain specific location of the service station fuel pump dispensers. Specifically, fuel pump dispenser structures, canopies, and associated services will be allowed between the building and the street on a subject site, where they are currently prohibited by amending the language of Section 16-18R.012 (14) to read as follows:

*“Gasoline fuel dispenser structures, canopies and associated service area shall not be located between a building and the street, except for those services stations located in Subarea 1, where gasoline fuel dispenser structures, canopies and associated services areas may be located between the building and the street.”*

## **CONCLUSIONS:**

- 1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:**  
The comprehensive development plan policies in the CDP do not address issues directly related to service stations or the location of associated fuel dispenser structures, canopies. However, there is currently an open Special Administrative Permit application on file with the Office of Planning that proposes a service station in this zoning district.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**  
There would be no effect on public facilities and services since no development project is being proposed. There has been no indication from reviewing agencies and departments indicating there would not be adequate public facilities and services at the subject location. This proposal does not appear to require input from other agencies.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development project is being proposed these considerations are not applicable.
- 4) **Effect on character of the neighborhood:** The purpose of the existing prohibition of gas pumps between the building and the street is because there is heavy vehicular traffic near the pumps, which is inherent in the process of fueling vehicles. Vehicles need to be directly adjacent to pumps in order to be fueled, and vehicles commonly circulate the pump area in an

attempt to find a vacant pump location. As indicated in the SPI-18 zoning district “Statement of Intent”, the district attempts seeks to: “Facilitate safe, pleasant, and convenient sidewalk-level pedestrian circulation that minimizes impediments by vehicles...Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks...Provide accessible and sufficient parking in an unobtrusive manner.” One of the ways this is achieved is through the existing zoning regulation that prohibits parking and fuel pumps between the building and the street.

However, it has been identified that the prohibition of fuel pumps between the building and the street may have unintended negative consequences, more specifically associated with security for patrons of the service station. There is reduced visibility as a result of the pumps being located to the side or rear of the building, which could make a service station that has been developed under the existing regulations more of a target for criminal activity.

- 5) **Suitability of proposed land use:** Since no development project is being proposed this consideration is not applicable.
- 6) **Effect on adjacent property:** The reorientation of the fuel dispenser structure, canopies, and the building should not have an adverse effect on adjacent properties. The text amendment does not introduce a new use to the sub area but allows greater design and site layout opportunities for the single service station allowed west of Pryor Street.
- 7) **Economic use of current zoning:** Since no development project is being proposed this consideration is not applicable.

**Compatibility with policies related to tree preservation:** Since no development project is being proposed this consideration is not applicable. Any tree loss that occurs as a result of new service station development in subarea 1 will have to comply with the City of Atlanta’s tree preservation policies.

- 8) **Other considerations:** The proposed text amendment has very limited applicability in the SPI-18, Subarea 1 district by impacting the design and site layout of the single service station allowed west of Pryor Street. By allowing the gasoline fuel dispenser structure, canopies, and associated service areas to be located between a building and the street provides increase security and allows better visibility for the residents and customers of the establishment. Although the prohibition of fuel pumps (which are essentially parking spaces) between the building and the street may not be an appropriate design for service stations in the SPI-18, Subarea 1 district, it should still be acknowledged that the regulation is meant to provide a safer pedestrian experience by providing a buffer between the vehicular traffic, and pedestrians walking on the sidewalk, thereby helping to make the neighborhood more “walkable.” In lieu of a regulation that prohibits the fuel pumps from being located between the building and the street, there should be an adequate landscape area to provide a similar aforementioned buffer.

**STAFF RECOMMENDATION:** APPROVAL, of a substitute ordinance

Section 16-18R.012(14) shall be amended to read as follows:

*“Gasoline fuel dispenser structures, canopies, and associated service areas shall not be located between a building and the street, except for those service stations located in Subarea 1, where gasoline fuel dispenser structures, canopies, and associated service areas may be located between the building and the street. A landscaped buffer shall be provided between all driveways adjacent to the fuel pump area and the street-fronting sidewalk. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches, and all landscaped buffer areas and strips along sidewalks, drives, private streets and public rights-of-way shall have a minimum of one single-stem tree planted per 30 feet of length with a minimum caliper of three and one-half inches.”*

cc: Charletta Wilson Jacks, Director



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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-15-012 for 1055, 1077 Brady Avenue and 1034 Howell Mill Road, N.W.

**DATE:** August 13, 2015

An Ordinance to rezone from the I-2 (Heavy Industrial) District the MR-C-3 (Mixed Residential- Commercial-Sector 3) District, for property located at 1055, 1077 Brady Avenue and 1034 Howell Mill Road, N.W.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 197 feet on the west side of Howell Mill Road, beginning at the northwest corner of the intersection of Howell Mill Road and 11<sup>th</sup> Street. The property also fronts approximately 560 feet on the north side of 11<sup>th</sup> Street and 526 feet on the south side of Brady Avenue. It is located within Land Lot 150 of the 17<sup>th</sup> District of Fulton County, Georgia in the Home Park Neighborhood of NPU-E in Council District 3. The property was included in the Upper Westside Livable Center Initiative (LCI) study.
- **Property size and physical features:** The subject property consists of a 2.979 acres (120,753 square feet) irregular shape parcel. The property is developed with several industrial and commercial buildings. The topography slopes upward in a southwesterly direction from the northeast boundary of the lot approximately 20 feet. There are few trees throughout the property.
- **CDP land use map designation:** The Land Use Map for NPU-E designates the subject property as Mixed-Use.
- **Current/past use of property:** The subject property is currently developed with several industrial and commercial buildings that are occupied and have been occupied by a diversity of uses that include a salvage outlet, a church and automobile repair and service facility.
- **Surrounding zoning/land uses:** Properties to the north, east, and west are zoned I-2 (Heavy Industrial) District with a land use designation of Mixed-Use. To the south, properties are

zoned I-2 (Heavy Industrial) District and PD-MU (Planned Development Mixed Use) District with a land use designation of Mixed-Use. They are occupied by a mixture of uses that include residential, office, eating and drinking establishments, and a MARTA bus facility.

- **Transportation:** Howell Mill Road is a defined arterial street with narrow sidewalks. Brady Avenue and 11<sup>th</sup> Street are defined as local streets. The subject property is currently served by MARTA bus line #1 along Howell Mill Road and MARTA bus line #12 along Brady Avenue. A MARTA bus facility is located to the north across Brady Avenue.

## **PROPOSAL:**

The applicant seeks to rezone the 2.979 acre site to construct a maximum of 411 residential units (356,956 square feet) with 14,717 square feet of commercial space and 616 parking spaces (residential/commercial). The proposed building height would be 112 feet (9 stories).

### **Project Specifications:**

Net Lot Area:	129,753 square feet
Gross Lot Area:	161,843 square feet
Maximum Residential F.A.R. (allowed of gross area):	3.20 (517,900 s.f.)
Proposed Residential F.A.R.:	2.21 (356,956 s.f.)
Maximum Commercial F.A.R. (allowed of gross area):	4.00 (519,012 s.f.)
Proposed Commercial F.A.R.:	0.09 (14,717 s.f.)
Number of units:	411 units
Parking Required:	1/450 s.f. non residential - 33 spaces 1/0.61 residential unit - 251 spaces
Parking Provided:	616

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The proposed rezoning to MRC-3 (Mixed Residential Commercial) zoning district is compatible with the Comprehensive Development Plan Mixed-Use designation for the property. There are no known public projects or programs with which the timing of the project would conflict.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**  
The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from reviewing agencies and departments indicating there would not be adequate public facilities and services at the subject location. At time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although Staff finds that there might be other nearby sites available for the proposed use this location is reasonable in that it would allow the cohesive redevelopment of site. Further, Staff feels the proposed mixed use would be a

compliment to the current redevelopment trend of the area and the Howell Mill Road corridor. Therefore, this proposal is expected to only positively impact the balance of land uses in the surrounding area.

- 4) **Effect on character of the neighborhood:** The proposed rezoning from I-2 to the MRC-3 for the purpose of redevelopment the site into a mixed use development allows for an improved and reasonable transition from industrial uses on the west to the commercial and residential uses on the east along the Howell Mill Corridor. The property would be more in-line with new surrounding developments and it would continue in diversifying the character of the area in accordance with the Upper Westside Livable Center Initiative which encourages mixed use activity and promotes street oriented development. Therefore, Staff is of the opinion that the proposal will have a positive effect on the character of the neighborhood.
- 5) **Suitability of proposed land use:** A change in the 15-year land use map is not required. The existing land use of Mixed-Use was adopted as part of the Upper Westside Livable Center Initiative.
- 6) **Effect on adjacent property:** The redevelopment of the property with compatible residential and non-residential uses would have a positive impact on adjacent properties. Currently the subject site is surrounded by a mixed use development and office/industrial/commercial sites. The proposed redevelopment of the parcel would further compliment an area that has benefited from the redevelopment of industrial parcels to more active uses.
- 7) **Economic use of current zoning:** The subject property has economic value as currently zoned. The parcels are in the Northwest Atlanta Two – Mixed Use Commercial/Industrials Enterprise Zone, adopted per 97-O-1283. Parcels with commercial and/or industrial uses in this enterprise zone receive a property tax abatement until 2022. Residential uses are not eligible for the abatement; therefore, the proposed residential component of this development will not receive the property tax abatement if the rezoning is approved and the site is redeveloped as proposed. However, approval of the requested rezoning and the subsequent redevelopment of the property with a combination of residential and commercial uses will likely increase the property's overall economic value.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

**STAFF RECOMMENDATION: APPROVAL conditioned upon the following:**

- 1) The Property shall be developed in accordance with the conceptual Site Plan prepared by Dwell Design Studio dated March 30, 2015 and stamped "received" by the Office of Planning on July 15, 2015.
- 2) The curb cut along 11<sup>th</sup> Street shall be moved inward (north) four (4) feet to accommodate a 7.5 foot wide parallel parking area.

cc: Charletta Wilson Jacks, Director, Office of Planning



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TIM KEANE  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim 

SUBJECT: Z-15-013 for 600 Arnold Street, N.E. and 505, 511, 515, 521, 525 North Avenue, N.E.

DATE: August 13, 2015

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The applicant seeks a rezoning of the property, from R-5/RG-3/BL to PD-MU/BL, in view of a new mixed-use development for the property located at 600 Arnold Street, N.E. and 505, 511, 515, 521, 525 North Avenue, N.E.

### FINDINGS OF FACT:

- **Property location.** The subject property is located in land lot 47 of the 14<sup>th</sup> land district of Fulton County, Georgia at the south-west corner of North Avenue and Arnold Street. It is located in Old Fourth Ward neighborhood of NPU-M and within Council District 2.
- **Property size and physical features.** According to the City of Atlanta lot boundary maps, the subject property consists of six tracts of land amounting to a total acreage of 2.23 acres (circa 97,139 sqft) and it has a rectangular boundary.  
The site is currently developed with one apartment building facing Arnold Street and 5 single family houses, all facing North Avenue. The majority of the site is covered by hard surface and there are few existing trees. The site is not impacted by a special flood hazard area or by a stream buffer.
- **CDP land use map designation:** Future land use maps indicate a land use designation of Medium-Density Mixed-Use.



- **Current/past use of property:** Historically, the property has been known as 600 Arnold Street and 505, 511, 515, 521 and 525 North Avenue. Currently, the property is improved with one U-shaped apartment building fronting on Arnold Street and 5 separate single family houses fronting on North Avenue.
- **Surrounding zoning/land use:** At west and south, the site is adjacent to land zoned R-5 developed with single family homes. To the north, across the street at North Avenue there is an existing mix of C-1 and PD-MU zoned properties whereas to the east, across street from Arnold Street there is a dialysis clinic and a parcel zoned MRC-3.
- **Transportation system:** The site has available public transportation services provided by MARTA. Also, the site is served by the North Avenue corridor. There are existing sidewalks along the entire frontage on North Avenue but none along Arnold Street.

### **PROPOSAL:**

This application seeks to create a mixed-use development with a maximum 3.696 FAR distributed in two proposed buildings. The eastern building is proposed to be residential while the western building may be residential as well as non-residential.

### **CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject property as Medium-Density Mixed - Use land use; therefore the requested PD-MU zoning category is compatible with the CDP and no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.

**(2) Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. There is existing public sanitary sewer, water available at North Avenue and Arnold Street. The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection during the stage of development permits.

**(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses. The proposed development will increase the available residential unit's base in the area and encouraging alternative commute to and from work.

**(4) Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will allow for the creation of an urban residential land use which may benefit the already existing

neighborhood commercial use in the vicinity. Given the location of the site within Historic Old Fourth Ward Master Plan – adopted by the city in 2008, the proposed development will comply with the recommendations of the plan to develop the site with 5-9 story mixed-use development. This will improve the existing neighborhood by adding an urban sense, residential units, commercial possibilities and revitalizing the overall area.

- (5) **Suitability of proposed land use:** A change in the 15-year land use map is not required due to the compatibility between the requested PD-MU zoning and the future land use designation of Medium-Density Mixed-Use. The site is bordered by North Avenue, an 80 feet wide right-of-way which can accommodate a more intense/urban style development with taller buildings and higher land intensities.
- (6) **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The site is located within Old Fourth Ward district which is envisioned to provide a wide variety of land uses with a more urban feel. The proposed development would fit within this framework with its two mixed-use buildings.
- (7) **Economic use of current zoning:** The subject property has certain economic use under the existing conditions. However, under the city adopted Master Plan for Old Fourth Ward and in the context of the redevelopment trend on the adjacent land, the land uses permissible by the current R-5 and RG-3 seem to be outdated and no longer a viable solution for the future of the neighborhood.
- (8) **Compatibility with policies related to tree preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.
- (9) The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
  - a. **The suitability of the tract for the general type of PD zoning proposed.**

This application is a request for a rezoning. Staff is of the opinion that the request is suitable for a PD-MU zoning classification. The location, the zoning of surrounding properties, future land use designation, and availability of public utilities are appropriate elements considered by Staff as satisfactory. Also, Staff is of the opinion that the proposed project is be compatible with the general area and neighborhoods and would enhance the character of the area. Also, Staff finds that the proposal blends well in to the existing developments such as Ponce City Market, City Lights Apartments and various other residential developments around the Old Fourth Ward.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**

The site is served by MARTA public transit bus routes #2, #99 and #102. Also, vehicular traffic is satisfied by the proximity of North Avenue – an arterial, Boulevard to the west and Glen Iris to the east, both collector streets with enough capacity to accommodate a denser development.

Atlanta Streetcar has expanded routes planned on North Avenue, the beltline and on Boulevard. The public is now also served by the recently opened Historic Fourth Ward Park and the Eastside BeltLine trail.

**c. The evidence of unified control.**

The revised rezoning site plan submitted by the applicant does not provide for a report to regulate maintenance of all proposed common areas within the development. However, since this is a conceptual rezoning site plan and not all the details of the future development are yet in place, Staff finds that criteria can be evaluated at a later time, during the review of the required BeltLine Special Administrative Permit (BL-SAP).

**d. The suitability of proposed plans.**

The proposed revised site plan (stamped received by the Office of Planning on April 28<sup>th</sup>, 2015) is more of a general/conceptual master site plan. Although the site plan is acceptable in its current form, Staff will require the applicant to comply with a list of specific details with regards to actual design/development/use of the site at the BL-SAP stage.

**e. Specific modifications.**

Revised site plan has been submitted to the Office of Planning on April 28<sup>th</sup>, 2015.

**f. The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program for the common areas. Staff finds that the site plan identifies certain elements and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:**

1. Subject to the revised site plan titled "Zoning Site Plan for 525 North – A00.80" by Gensler Architects, sealed by Stephen T. Swicegood – RA and dated revised 07/31/2015 – As approved by NPU M on 04/28/2015 and stamped received by the Office of Planning on August 3, 2015. The site plan is conceptual in nature and known as the Master Plan.
2. Developer shall obtain from the Office of Planning a Land Consolidation Plat to assemble all six parcels in to one single tract, before making application for a building permit.
3. Total floor area for development shall not exceed 3.696 of the net lot area providing that residential FAR alone cannot exceed 3.20 of the net lot area and non-residential FAR alone cannot exceed 3.0 of the net lot area.
4. The 24' driveway curb cut along North Avenue, as shown on the Master Plan, may only be permitted as an administrative variation during the review of the BeltLine Special Administrative Permit.
5. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.

6. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Office of Site Development, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.

The following are conditions from the Neighborhood Planning Unit M and are also applicable:

#### Land Uses and Site Planning

1. The building footprints, driveway locations, open space locations, sidewalk designs and locations, and parking locations on this Master Site Plan are for illustrative purposes. Their shape and locations may vary as long as the setbacks, transitional yards and maximum building heights shown on the Master Site Plan are maintained.
2. There is no minimum total open space or public space requirements.
3. Minimum usable open space for the entire site is 24,400 square feet.
4. Land intended for a future phase may be utilized as surface parking until such building is constructed.
5. Shared parking is permitted among different uses within the project, even if subsequently subdivided into different parcels or developments.

#### Building Design

6. Conditions 6 through 9 specifically exclude windows and glass portions of exterior walls.
7. The first two stories of exterior walls along a public street must be faced in brick; terracotta; stone; masonry with the appearance of brick, terracotta or stone; poured-in-place concrete; or hard coat stucco. Metal panels are also allowed if they do not exceed 50% of the exterior wall area, as measured separately per exterior wall.
8. Vinyl siding and exterior insulation finish systems (EIFS) are not allowed on any exterior wall.
9. No freestanding parking deck may be taller than the building it serves.

The following are conditions from the developer and are also applicable:

1. Within 21 days after any application for a special administrative permit ("SAP") on the subject property to the Office of Planning, the SAP applicant shall host a public participation meeting to receive community input.
2. At least seven (7) days prior to the public participation meeting, the developer shall send a public participation notice letter to all persons owning property adjoining the subject property. At a minimum, this letter shall include the following:
  - i. Details of the special administrative permit application, including any requested variations and reduced size copies of all drawings submitted with the application;
  - ii. The date, time, and location of the public participation meeting; and
  - iii. The developer's contact information.

3. The developer shall submit a written public participation report to the Office of Planning within three (3) days after the public participation meeting. At a minimum, this public participation report shall include the following:
  - i. The time, date, and location of the public participation meeting;
  - ii. Copies of official USPS return receipts confirming delivery of all required public participation notice letters;
  - iii. A copy of the sign-in sheet for the public participation meeting, which shall include telephone numbers and/or email addresses for all attendees;
  - iv. A summary of all concerns presented to the developer at the public participation meeting;
  - v. The developer's response to each concern presented at the public participation meeting; and
  - vi. The developer's reasons why it cannot modify the proposed development to address concerns raised at the public participation meeting.
4. The Office of Buildings shall not issue any permit(s) allowing the development of the subject property until all site-specific public participation meeting requirements have been met.

cc: Charletta Wilson Jacks, Director



KASIM REED  
MAYOR

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TIM KEANE  
COMMISSIONER  
  
CHARLETTA WILSON JACKS  
DIRECTOR, Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BNL*

**SUBJECT:** Z-14-61 for 1099 North Avenue and 579 (rear) North Highland, N.E.

**DATE:** August 13, 2015 (Deferred from June 11, May 14, April 2, February 5, January 8, 2015 and November 13, 2014)

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The applicant requests to rezone property from the R-4 (Single Family Residential) district to the MRC-3 (Multi Residential Commercial-Sector 3) district for the development of fourteen (14) townhomes.

The applicant has yet to resolve issues related to the site layout or present the final plan to the NPU. Staff believes an extended deferral would be in the best interest of all parties and would allow adequate time for staff review.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL, SEPTEMBER 2015**

cc: Charletta Wilson Jacks, Director



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TIM KEANE  
Commissioner

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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-15-20 for 2815-2839 Peachtree Road, N.E.

**DATE:** August 13, 2015 (deferred July 23, 2015)

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**An Ordinance to rezone from the C-1-C District (Community Business-Conditional) District to the MRC-2 District (Mixed Residential Commercial) District.**

The applicant submitted an additional request for a deferral in order to continue discussions with the neighborhood and NPU. Staff is supportive of this request.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL - SEPTEMBER 2015**

cc: Charletta Wilson Jacks, Director



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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-14-041 for 1791 Piedmont Road, N.E.

**DATE:** August 13, 2015

An Ordinance to rezone from the **RG-2/Beltline Overlay (Residential General-Sector 2) District** to the **MR-3A\*/Beltline Overlay (Multifamily Residential) District**, property located at 1763-1791 (aka 1797) Piedmont Road, N.E to develop a multi-family residential project.

\*Note: This is a substitute ordinance as the applicant originally submitted an application requesting MR-4A zoning.

### FINDINGS OF FACT:

- **Property location:** The subject property has approximately 612 feet on the east side of Piedmont Road beginning approximately 421 feet from the southeast corner of North Rock Springs Road and Piedmont Road. The property is located in Land Lot 51 of the 17<sup>th</sup> District of Fulton Co., Georgia in the Morningside/Lenox Park neighborhood of NPU-F and Council District 6.
- **Property size and physical features:** The net area of the property is approximately 147,233 square feet (3.38 acres) with an additional of right-of-way included in the gross lot area of 168,512 square feet (3.87 acres). The site appears with four (4) building groups each two (2) to three (3) story in height with surface parking accessed by a central curbcut along Piedmont Road. On-site there is also significant natural vegetation including numerous scattered mature trees. Substantial topography exists on the site rising gradually from the northwest corner of the lot along Piedmont Road to the south and east reaching a plateau at the south center of the site climbing over 30 feet in grade change and then continuing to rise another 15 feet in height within a well wooded area to southeast corner of the site.
- **CDP land use map designation:** The Land Use Map for NPU-F designates the subject property as 'Medium-Density Residential'. The applicant originally applied for a land use amendment to the CDP for a designation appropriate for the original requested MR-4A zoning district, however it was withdrawn as no CDP amendment is necessary for the current MR-3 zoning request.



- **Current/past use of property:** The property is developed with four (4) building groups each two (2) to three (3) story in height with surface parking in an otherwise well wooded parcel which is collectively known as ‘ Oak Knoll Apartments’. Staff is aware that this has been in place for 60 plus years and is otherwise unaware of any previous uses of the property.
- **Surrounding zoning/land uses:** Areas to the immediate south along the east side of Piedmont Road and the areas to the east fronting along North Rock Spring Road are zoned R-4 with a Single-Family land use designation having well established single-family residences. One parcel to the northeast fronting along North Rock Spring Road is zoned RG-2 with a similar Medium Density Residential land use designation developed with multi-family residential as the subject site. To the immediate north along the east side of Piedmont Road is zoned C-2 with a Low Density Commercial land use designation and is developed with a combination small offices, personal services and restaurants. Meanwhile across Piedmont Road to the west is zoned R-4 with a Single-Family land use designation however containing the northern portion of campus of the Morningside Baptist Church and Heritage Preparatory School. All are in the BeltLine Overlay District.
- **Transportation system:** Piedmont Road is classified as an arterial street while nearby Montgomery Ferry Road and Morningside Drive are both defined as collector roads. Other adjacent and nearby streets are defined as local. There are sidewalks along both sides of Piedmont Road in the immediate vicinity of the subject site albeit the sidewalk is currently narrow along a portion of the subject site. There is no MARTA bus service along the subject site or within 1000’ feet.

#### **PROPOSAL:**

An Ordinance to rezone from the RG-2/Beltline Overlay District (Residential General-Sector 2) to the MR-3\*/Beltline Overlay District (Multifamily Residential) District, property located at 1763-1791 (aka 1797) Piedmont Road, N.E. to develop a multi-family residential project.

\*Note: This is a substitute ordinance as the applicant originally submitted an application requesting MR-4A zoning.

The following development standards are proposed:

Net lot area:	3.38 acres (147,233 sf)
Gross lot area:	3.87 acres (168,512 sf)
Residential Units:	not shown
FAR Allowed:	0.696 Max
FAR Proposed:	0.696 or less
Setbacks Required:	Front: 20’ from curb; Side: 15’; Rear: 20’
Setbacks Proposed:	Front 24.2’; Rear/Side(South): Min 30’ Side (North) Min. 15’
Useable Open Space Required:	67,405 sf (0.40 x 168,512 gross lot area)
Useable Open Space Proposed:	not shown
Parking Min/Max:	dependent on residential unit count
Parking Proposed:	not shown
Loading Required:	dependent on residential s.f.
Loading Proposed:	not shown
Height Maximum:	80 feet
Height Proposed:	shown per ‘Exhibit A’ and not to exceed 80 feet

## CONCLUSIONS:

a. **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed rezoning for the subject property to a multi-family residential zoning district is compatible with the Comprehensive Development Plan Medium Density Residential designation for the property. Staff notes that although the applicant previously applied for an amendment to the 15-Year Land Use Map for a designation consistent with the MR-4A requested rezoning however it was withdrawn as unnecessary with this current MR-3 zoning proposal. There are no known public projects or programs with which the timing of the project would conflict.

b. **Availability of and effect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicate there are public facilities and services available to the subject property. Furthermore, there has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

c. **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. However, as stated previously Staff is of the opinion that the proposed zoning classification is suitable for the subject property it that provides a residential use at a scale which serves as a transition from C-2 zoning to the north to single-family to the east and south.

d. **Effect on character of the neighborhood:** The proposed pedestrian orientated multi-family residential development would replace an older less dense multi-family residential use of which Staff is supportive. Also, the intensity of such proposed use Staff feels is a reasonable transition in character from the commercial area to the north along Piedmont Road to the of the Morningside/Lenox Park neighborhood to the east and south. Moreover, a transitional building scale has been mutually agreed upon to further protect the adjacent established residential neighborhood. Therefore, Staff is of the opinion that if approved the approval of the applicant's proposed rezoning request would have a negligible effect on the character of the neighborhood.

e. **Suitability of proposed land use:** Given the past multi-family residential uses of the subject site as well as other immediately adjacent sites, Staff believes that multi-family residential uses are suitable for the site consistent with the Medium Density land use designation.

f. **Effect on adjacent property:** The proposed pedestrian orientated multi-family residential development would replace an older less dense multi-family residential use which Staff is supportive. Moreover, the intensity of such proposed use Staff feels is negligible to adjacent parcels by providing reasonable transitional scale to the single-family residential homes to the south, and east (as shown in 'Exhibit A'). Therefore, Staff is of the opinion that the approval of the applicant's proposed rezoning request would have a limited effect on adjacent property.

g. **Economic use of current zoning:** The subject property has economic value as currently zoned RG-2 / BeltLine Overlay. However, approval of the requested rezoning and the

subsequent residential redevelopment of the site would increase the economic value of the property, as well as other properties in the immediate area, as property owners perceive greater values likely could be obtained by changing the use of the land to increasingly higher residential densities.

- h. **Tree Preservation:** It is the applicant's stated intent to comply with the City of Atlanta Tree Ordinance.

**Other Considerations:** Staff is supportive of redevelopment for pedestrian orientated multi-family purposes consistent with the current CDP designation and provides a transition to low density residential uses to the east and south.

**STAFF RECOMMENDATION: APPROVAL, of a substitute ordinance to MR-3 and conditioned upon the following:**

1. **BUFFER**

- A Buffer Zone shall be provided at a minimum distance of thirty (30) feet from the east and south property line that cannot have any buildings, structures, drives, driveways, public or private streets, surface parking, parking structures or other means of vehicular access or parking.
- There shall be a professionally designed Landscape Plan prepared by a licensed landscape architect for that portion of the site located within the Buffer Zone as delineated on this Site Plan. ("Landscape Plan".) The primary goal of the Landscape Plan shall be to provide meaningful four season/year round tree coverage and other vegetative and evergreen buffering so as to visually screen the adjoining neighborhood to the maximum extent feasible. No development shall occur in the Buffer Zone other than as required to comply with implementation of the Landscape Plan and installation of required fencing. To the fullest extent possible, existing mature hardwood trees in the Buffer Zone shall be retained and incorporated into the Landscape Plan. Developer shall provide a copy of the proposed Landscape Plan to NPU F for review at least sixty days prior to the Landscape Plan's submission to the City of Atlanta. NPU F shall have an opportunity to provide comments on the proposed Landscape Plan during this review period, which comments shall be considered and, where reasonably feasible and where no material additional cost will be incurred, incorporated into the Landscape Plan prior to its submission to the City. The Buffer Zone shall be maintained in accordance with the requirements of Section 25 of Appendix E, City of the Atlanta City Code.

2. **BUILDABLE HEIGHT PLANE**

- A buildable height plane is hereby established for the property. No portion of any building or structure shall protrude through this height limiting plane, defined as follows:
  - The height limiting plane shall commence at a point that is thirty-five (35) feet above existing grade beginning at a distance of 30 feet from the eastern and southern property line;
  - For the first ten (10) horizontal feet from this point, the height limiting plane shall extend inward over this district at an angle of forty-five (45) degrees;
  - Beyond ten (10) horizontal feet from this point, the height limiting plane shall continue to extend inward over this district at an angle of twenty-two and one-half (22.5) degrees;

- The diagram attached as “A” is intended to visually depict this buildable height plane, but this text shall govern in the event of a discrepancy; and
- In no case shall the above provision enable the maximum height requirements of the MR regulations to be exceeded.

### 3. PARKING STRUCTURES

- Above-grade parking structures adjacent to the required Buffer Zone shall only be allowed to be underneath residential buildings and not more than one level of such parking shall protrude above grade level. Such above-grade parking structures shall be screened by plantings, landscaping, fences, walls or other means such that said above grade parking is entirely screened facing the eastern and southern property line.
- Multi-level above-grade parking structures shall be located no closer than sixty (60) feet from the eastern and southern property line, and shall be fully wrapped and obstructed by a residential building. The required residential building shall be located between any such encapsulated above-grade parking structure and the required Buffer Zone along the eastern and southern property line, in a manner that ensures that the above-grade parking structure is not visible from the Buffer Zone.
- Individual, stand-alone above-grade parking structures are prohibited.

### 4. OUTDOOR AMENITY AREAS

- Outdoor Amenity areas provided for multi-user access shall be located no closer than seventy (70) feet from the eastern and southern property line, and shall be fully wrapped and obstructed by a residential building. The required residential building shall be located between any such Outdoor Amenity area and the required Buffer Zone along the eastern and southern property line, in a manner that ensures that the Outdoor Amenity area is not visible from the Buffer Zone.
- If a multi-user Outdoor Amenity area is provided, a residential building shall be located between said multi-user outdoor amenity area and the Buffer zone to screen said amenity area from residential neighbors. Three (3) separate residential buildings may be used to satisfy this screening requirement, however, such buildings cannot be separated by more than thirty (30) feet, and said 30 foot distance must contain a minimum eight (8) foot tall opaque wall.
- Individual Outdoor Amenity areas shall be permitted to be provided for individual residential units provided such areas are physically separated from the Outdoor Amenity areas of adjacent residential units.

### 5. OFF-SITE PARKING

- Upon redevelopment off-site parking from other properties shall not be permitted to be located on this Site (regardless of any notation to the contrary which may be shown on the provided site plan).

### 6. FUTURE LAND USE MAP COMPLIANCE

- Developer shall comply with maximum unit number and density allowance delineated for the Property as shown on the Future Land Use Map of the City of Atlanta Comprehensive Development Plan, as it may be amended from time to time.

### 7. PRIOR NOTICE

- Developer shall provide notice to and copies of the proposed final Site Plan and Landscape Plan, in compliance with these conditions as well as the applicable zoning regulations and CDP Future Land Use Map, to the Chair of NPU F at least sixty (60) days prior to application for the SAP and/or building permit for the Development. These written conditions shall not

be altered administratively. Should these written conditions conflict with the applicable zoning regulations, these conditions shall control to the extent of such conflict.

#### 8. LIGHTING

- All exterior lighting on the Property shall be shielded to prevent light spillage onto adjacent properties by providing cutoff luminaries that have a maximum 90 degree illumination.

#### 9. FENCING

- For purposes of fulfilling the screening requirement of Sec. 16-35.009(2)(c), all existing fencing shall be removed and a new six (6) foot high opaque security fence painted a dark green color shall be erected and maintained as required by Sec. 16-35.009(2)(c).

#### 10. CONSTRUCTION

- Construction hours shall comply with all City of Atlanta regulations. No construction shall be allowed on Sunday or State and federal holidays. No construction or construction employee vehicles shall park on any portion of N. Rock Springs Road, E. Pelham Rd, Rockmont Drive or on any other public roads within the Morningside-Lenox Park or Piedmont Heights neighborhoods. The Permittee shall designate an authorized construction representative with seven (7) days per week, twenty-four (24) hour per day telephone and email contact numbers. This representative shall be responsible for receiving and promptly responding to all complaints and inquiries regarding associated construction activity.

EXHIBIT A -  
BUILDABLE HEIGHT PLANE

